

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

L. TUCKER,

Plaintiff,

v.

T. PENTRICH, et al.,

Defendants.

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Case No. 09-13246

Honorable Nancy G. Edmunds

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [55], DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT [47], AND GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [30]**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation [55]. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and Plaintiff's objections, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is FURTHER ORDERED that Plaintiff's motion for summary judgment [47] is DENIED, and Defendants' motion for summary judgment [30] is DENIED IN PART and GRANTED IN PART. Specifically, Defendants' motion is GRANTED as to Plaintiff's claim of retaliation in connection with the issuance of misconduct tickets, and DENIED as to Plaintiff's remaining claims of excessive force, assault and battery, and retaliation.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: September 10, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 10, 2013, by electronic and/or ordinary mail.

S/Johnetta M. Curry-Williams  
Case Manager  
Acting in the Absence of Carol A. Hemeyer